

Application Serial Number 09/923,633  
Reply to the Office Action of May 18, 2006

**REMARKS**

Claims 1, 3, 5-9, 11, 13-17, 19, 21-24, 26 and 28-31. Claims 1, 9, 17 and 24 have been amended. Claims 2, 4, 10, 12, 18, 20, 25 and 27 have been canceled without prejudice.

*Claim Rejections – 35 U.S.C. § 112*

The Patent Office rejected claim 1, 9, 17 and 24 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Applicant respectfully traverses. However, claims 1, 9, 17 and 24 have been amended and are believed definite for a person of ordinary skill in the art.

*Claim Rejections – 35 U.S.C. § 102*

The Patent Office rejected claims 1, 3, 5, 8-9, 11, 13-14, 16-17, 19-21, 24, 26-29 and 31 under 35 U.S.C. § 102(b) as being anticipated by Rostoker et al., U.S. Patent No. 6,035,212, ("Rostoker").

*Claim Rejections – 35 U.S.C. § 103*

The Patent Office rejected claims 2, 10, 18 under 35 U.S.C. § 103(a) as being unpatentable over Rostoker et al., U.S. Patent No. 6,035,212, ("Rostoker") in view of Lim, U.S. Patent No. 6,697,355 ("Lim").

The Patent Office rejected claims 4, 12 and 27 under 35 U.S.C. § 103(a) as being unpatentable over Rostoker et al., U.S. Patent No. 6,035,212, ("Rostoker") in view of Schenker et. al., U.S. Patent No. 6,633,223 ("Schenker").

The Patent Office rejected claims 6 and 22 under 35 U.S.C. § 103(a) as being unpatentable over Rostoker et al., U.S. Patent No. 6,035,212, ("Rostoker") in view of

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Verma et. al., U.S. Publication No. 2003/0224792 ("Verma").

The Patent Office rejected claims 7, 15, 23 and 30 under 35 U.S.C. § 103(a) as being unpatentable over Rostoker et al., U.S. Patent No. 6,035,212, ("Rostoker") in view of Whinnett et. al., U.S. Patent No. 5,943,333 ("Whinnett").

Applicant respectfully traverses each rejection. Anticipation requires the disclosure in a single prior art reference of each element of the claim under consideration. *W.L. Gore & Assocs. v. Garlock*, 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983), *cert. denied*, 469 U.S. 851 (1984). Further, "anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim." *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 730 F.2d 1452, 221 USPQ 481, 485 (Fed. Cir. 1984) (citing *Connell v. Sears, Roebuck & Co.*, 722 F.2d 1542, 220 USPQ 193 (Fed. Cir. 1983)) (emphasis added). Additionally, To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Ryoka*, 180 U.S.P.Q. 580 (C.C.P.A. 1974). *See also In re Wilson*, 165 U.S.P.Q. 494 (C.C.P.A. 1970).

Applicant respectfully submits claims 1, 9, 17 and 24 recite elements which have not been disclosed by Rostoker, Lim or Schenker, individually or in combination. For example, claims 1, 9, 17 and 24 generally recite a mobile telephone which includes a mode manager for managing switching of the system between a first mode utilizing a first air interface standard supported by a first protocol stack and a second mode utilizing a second air interface standard supported by a second protocol stack, the first protocol stack and the second protocol stack being supported concurrently by at least one chipset of the mobile telephone, the mode manager including a router for routing information to one of the first protocol stack and the second protocol stack; a user interface for communicating information and commands between the first protocol stack and a user and between the second protocol stack and the user for controlling the mobile telephone; and a bridge for providing communication of information between the first protocol stack and the second

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protocol stack, wherein control of the mobile telephone is provided via a single man machine interface that is substantially consistent across the first and second modes.

Rostoker, Lim and Schenker fail to disclose, teach or suggest a mobile telephone as recited in claims 1, 9, 17 and 24. The Patent Office correctly states that Rostoker fails to disclose a router a router for routing information to one of the first protocol stack and the second protocol stack and a bridge for providing communication of information between the first protocol stack and the second protocol stack. The Patent Office cites Fig. 5 and Column 7, Lines 52-60 of Lim in its assertion that Lim discloses a router. This passage discloses multiple routers between multiple mobile telephones. Emphasis added. Consequently, Lim fails to disclose a router, within a single mobile telephone, for routing information to one of the first protocol stack and the second protocol stack. Additionally, the Patent Office cites Column 11, Line 61 to Column 12, Line 4 of Schenker for support of its assertion that Schenker discloses a bridge for providing communication of information between the first protocol stack and the second protocol stack. Schenker fails to disclose a bridge for facilitating communication between the first protocol stack and the second protocol stack. Rather, Schenker merely discloses bridge architecture for communication between access points, not between a first and second protocol stack. Whinnett and Verma also fail to cure the defects of Rostoker. Consequently, elements of claims 1, 9, 17 and 24 have not been disclosed, taught or suggested by Rostoker, Lim, Schenker or any other cited reference. Claims 1, 9, 17 and 24 should be allowed. Claims 3, 5-8, 11, 13-16, 19, 21-23, 26 and 28-31 are believed allowable due to their dependence upon an allowable base claim.

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### CONCLUSION

Applicant has made an earnest attempt to place this application in condition for allowance. For at least the foregoing reasons, Applicant respectfully requests reconsideration and full allowance of all pending claims.

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Respectfully submitted,



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